

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on June 30, 2006. No fee is due in connection with this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 115808-339 on the account statement.

Claims 1, 3-8, 10-19 and 29-34 are pending in the application. Claims 1, 3-8, 10-17, 19, 30 and 32-34 are allowed. In the Office Action, Claims 18, 29 and 31 are rejected under 35 U.S.C. §112, second paragraph, and Claim 29 is rejected under 35 U.S.C. §103. In response, Claims 18, 29 and 31 have been amended. These amendments do not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, the Patent Office asserts that Applicants failed to reference in the Specification prior Application No. PCT/EP00/08870, filed September 8, 2000, which claims priority from U.S. Provisional Application Serial No. 60/0152,984, filed September 9, 1999. The Specification has been properly amended to reflect said reference.

In the Office Action, Claims 18, 29 and 31 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Claim 18 has been amended to properly depend from Claim 17. Claim 31 has been amended to properly depend from Claim 30. Claim 29 has been amended to properly include an active step relating to the preamble. The amendment of Claim 29 is supported in the specification, for example, at page 1, line 31. Based on at least these noted reasons, Applicants believe that the Claims 18, 29 and 31 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,756,088 to Matsuura et al. ("*Matsuura*"). Applicants believe this rejection is improper and respectfully traverse it for at least the reasons set forth below.

Amended independent Claim 29 is directed, in part, to a method for reducing a sign of aging in an elderly cat by providing a pet food of certain composition, making the composition available to a minder of the pet, providing means of encouraging the minder to administer the composition and administering the composition to the pet. Applicants respectfully submit that *Matsuura* fails to disclose or suggest every element of the present claim.

Matsuura is directed to a method for prophylactic or therapeutic treatment of dematosis in a pet animal which comprises having the pet animal ingest a prescription diet composition. See, *Matsuura*, column 1, lines 64-67. *Matsuura* fails to disclose or suggest any means of encouraging a pet minder to administer the pet food composition as required, in part, by Claim 29. In fact, the Patent Office has failed to provide any specific evidence regarding same.

Moreover, 35 U.S.C. §112, sixth paragraph, states that “[a]n element in a claim for a combination may be expressed as a means or step for performing a specified function . . . and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” The means of encouraging a pet minder to administer the claimed composition to the pet as described in Claim 29 is supported by the specification, for example, at page 9, lines 6-8. *Matsuura* fails to disclose or suggest any of the disclosed means or equivalents thereto.

For at least the reasons discussed above, Applicants believe that the obviousness rejection based on *Matsuura* is improper, and thus, fails to render the claimed subject matter obvious.

Accordingly, Applicants respectfully request that the obviousness rejection be reconsidered and the rejection be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of the same.

Respectfully submitted,

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